

ATTACHMENT 2. ELIGIBLE APPLICANT DOCUMENTATION

Attachment 2 consists of the following:

- ✓ A written statement from the City of Modesto documenting eligibility as an applicant for submitting this 2012 Local Groundwater Assistance Grant application.



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& Projects
Department**

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Administration

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TDD 1-800-735-2929

July 9, 2012

California Department of Water Resources
Division of Integrated Regional Water Management
Regional Planning Branch
901 P Street, Lobby
Sacramento, CA 95814
Attn: Tom Lutterman

The City of Modesto, a local agency, is submitting a Local Groundwater Assistance (LGA) Grant Application on behalf of the Stanislaus & Tuolumne Rivers Groundwater Basin Association (STRGBA). For Attachment 2, Eligible Application Documentation, the City of Modesto has prepared this letter addressing the questions included on page 18 of the LGA Grant Program – Proposal Solicitation Package for Planning Grants (DWR, May 2012)

- Is the applicant a local public agency as defined in CWC 10701(a)? Please explain.

Yes, the City of Modesto is an incorporated city, which is included in the definition of a local agency according to the California Water Code, CWC 10701(a).

- What is the statutory or other legal authority under which the applicant was formed and is authorized to operate?

The City of Modesto was incorporated on August 6, 1884 pursuant to provisions of Section 3 of an act of the Legislature of the State of California providing for the organization, incorporation and government of municipal corporations, as approved on March 13th, 1883. The Charter of the City of Modesto was effective as of January 14, 1963. The Certificate of Incorporation of the City of Modesto was authenticated by Secretary of State Thos. L. Thompson on September 15, 1884.

- Does the applicant have legal authority to enter into a grant agreement with the State of California?

The City is authorized to enter into contracts under its charter city authority. Modesto City Charter Section 706 vests all powers in the City Council unless otherwise provided in the Charter. Charter Section 801 authorizes the City Manager to execute any contract



Page Two

on behalf of the City when authorized to do so by the charter or resolution of the City Council. The City Manager has been authorized to enter into a grant agreement per Resolution No. 2012-179, adopted by the Modesto City Council on May 22, 2012.

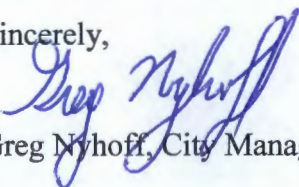
- Describe any legal agreements among partner agencies and/or organizations that ensure performance of the project and tracking of funds.

The City of Modesto is a member of the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA). There is an agreement (a Memorandum of Understanding [MOU]) among STRGBA members, which include Stanislaus County, Modesto Irrigation District, Oakdale Irrigation District and the Cities of Modesto, Oakdale and Riverbank. The MOU describes member responsibilities and goals of the STRGBA.

Additionally, the City is a member of the East Stanislaus Regional Water Management Partnership (ESRWMP), the operating entity for the East Stanislaus Integrated Regional Water Management (IRWM) region. This organization (ESRWMP) too is governed by a Memorandum of Understanding with its partners, the Cities of Turlock, Ceres, and Hughson.

Please contact Miguel Alvarez at (209) 577-5348 with any questions.

Sincerely,


Greg Nyhoff, City Manager